IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION

WRIT PETITION NO.1389 OF 2001

Shri Prakash Mahabaleshwar Gawda & Ors. ..Petitioners.

Vs.

State of Maharashtra & Ors. .. Respondents.

None for the Petitioners.
Mrs. M.P. Thakur, AGP for the Respondent Nos.1 to 5.
Mr. N.V.Bandiwadekar for Respondent Nos. 6 to 11 & 14.

CORAM : F.I. REBELLO AND
Dr.D.Y.CHANDRACHUD,JJ.

DATED : 06TH FEBRUARY, 2006.

P.C.:

1. From the order dated 16th April, 2003 it is clear that this petition was to be heard with writ petition No. 6757/2002. The relief sought for hearing is similar to the relief sought in writ petition No. 6757/2002.

2. That writ petition i.e. petition No. 6757/2002 came to be disposed of by another Division Bench of this court by an order dated 11th September, 2003. The relief sought by the petitioner was to appoint any competent authority to verify the medical certificates issued by the competent authority and to submit report to the Court and also a further relief to hold an

independent enquiry in the matter of promotion in the State Excise Department of the State of Maharashtra in respect of respondents Nos. 6 to 14 and others.

3. The counsel for the petitioners in this writ petition is the same who appeared in writ petition No. 6757/2002. The learned Division Bench was pleased to issue following directions :-

> "The respondent Nos. 1 and 2 are permitted and directed to make an enquiry on the basis of the report of the Medical Boards as forwarded to it by the Addl. Director of Health Services, Mumbai under his letter dated 6th November, 2001. If the Medical certificates produced by Respondent Nos. 4 to 38 (excluding respondent Nos. 20 and 32) are found to be false and /or fraudulent and/or procured by them by malpractices, the State Government is free to take such against them as well Medical Officers who fraudulently issued the certificates as State thinks fit. Needless to say the person against whom the action is proposed to be taken shall be given an opportunity of having and principles of natural justice shall be followed. In case any orders adverse to the respondent

Nos. 4 to 38 or any of them are passed the same shall not be implemented for a period of four weeks from the date of communication of the order."

4. The present petition also involved promotion to the post of Sub-Inspector. Considering that another Bench of this court has already considered this issue, we find that nothing further survives in this petition as the relief sought for would be covered by the judgment passed in the writ petition No. 6757/2002. In the light of that, this petition is disposed of with no order as to costs.

06.02.2006 (F.I.Rebello,J)

(Dr.D.Y.Chandrachud,J)

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